

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
)	
Petition for Declaratory Ruling Regarding)	CG Docket No. 17-131
Broadband Speed Disclosure Requirements)	
)	

COMMENTS

CenturyLink, Inc., on behalf of itself and its affiliates, submit these comments in response to the Petition for Declaratory Ruling filed by NCTA – The Internet & Television Association and USTelecom (“Petitioners”) requesting that the Commission issue a declaratory ruling “that confirms and clarifies key aspects of the federal regulatory regime governing broadband speed disclosures.”¹ The Petitioners correctly observe that the Commission should take action to maintain uniform disclosure of access speeds for broadband Internet access services (“BIAS”) to avoid a “patchwork of inconsistent requirements and to protect its authority to maintain a uniform national framework for this interstate service.”²

As described by the Petitioners, the Commission, since 2010, has regulated BIAS providers’ descriptions of Internet access speeds and has developed a unified regime that balances technical accuracy and usefulness to consumers. However, emerging state action is

¹ NCTA – The Internet & Television Association and USTelecom, Petition for Declaratory Ruling at 1 (filed May 15, 2017) (“*Petition*”). *See Comment Sought on USTELECOM and NCTA –The Internet & Television Association Petition for Declaratory Ruling Regarding Broadband Speed Disclosure Requirements*, CG Docket No. 17-131, Public Notice, DA 17-482 (May 17, 2017).

² *Id.*

creating the opposite result by introducing inconsistent metrics and consumer confusion. To address this situation, the Commission should grant the request in the Petition that it declare:

(a) a broadband provider's disclosure of average broadband speeds during periods of peak demand is sufficient to comply with the requirement under Section 8.3 of the Commission's rules to disclose accurate information regarding the provider's speed performance, (b) such disclosures are otherwise just and reasonable within the meaning of Section 201(b) of the Communications Act (to the extent it continues to apply to BIAS providers), and (c) broadband providers retain flexibility to comply with the Transparency Rule through means other than this safe-harbor approach.³

Granting this relief will merely confirm and clarify key aspects of the broadband speed disclosure regime.

Respectfully submitted,

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³ *Id.* at 14.